IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO.892 OF 2004.

The State of Maharashtra : Appellant.

versus.

Raju @ Ajitsingh Mansingh

Rajput. : Respondent.

Mr.V.B.Konde-Deshmukh, APP, for the State.

CORAM : D.G.DESHPANDE,J.

DATED : 27th August 2004.

ORAL ORDER

1. Heard learned APP for the State. This appeal is filed against the acquittal of the accused under Sections 354 and 452 of the Indian Penal Code and under Section 3(i)(xi) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act.

2. The case of the complainant itself is

doubtful and suspicious. She says that the accused was known to her. He praised her since two months before the incident that she was beautiful and was threatening her that he was to see her in isolation. Thereafter she made a complaint about this to her husband but her husband kept mum. On 11.4.2003 at 11.15 p.m. the complainant was sleeping on the cot in her house and her husband was surprisingly sleeping below the cot, at that time, it is alleged that the accused knocked the door of her house and when the complainant opened the door at such an odd hour, the accused entered into the house, caught hold of the complainant and outrage her modesty. The complainant and her husband in the evidence admitted that on that night the accused had been to their house for demanding his outstanding amount of Rs.2400/- and on that count after the altercations they had assaulted the accused and also shaved his head about which a complaint was lodged by the accused against them. If these are the facts, then the trial Court is justified in acquitting the accused. The judgment is not all perverse. Hence no interference is called for. Appeal is dismissed.

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